

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|--------------------------|---|---------------------------|
| ----- | X | |
| | : | |
| UNITED STATES OF AMERICA | : | |
| | : | CONSENT PRELIMINARY ORDER |
| - v. - | : | OF FORFEITURE/ |
| | : | <u>MONEY JUDGMENT</u> |
| NICHOLAS CALISI, | : | |
| | : | S1 22 Cr. 212 (JGK) |
| Defendant. | : | |
| ----- | X | |

WHEREAS, on or about April 21, 2022, NICHOLAS CALISI (the “Defendant”), among others, was charged in a one-count superseding indictment, S1 22 Cr. 212 (JGK) (the “Indictment”), with racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d) (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 1963, of (a) any interest acquired or maintained as a result of the offense charged in Count One of the Indictment; (b) any interests in, securities of, claims against, and property or contractual rights of any kind affording a source of influence over, any enterprise established, operated, controlled, conducted, or participated in the conduct of, the offense charged in Count One of the Indictment; and (c) any and all property constituting, and derived from, any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Indictment; including but not limited to a sum of money in United States currency representing the amount of proceeds raceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, on or about February 8, 2023, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit

to the United States, pursuant to Title 18, United States Code, Section 1963, a sum of money equal to \$40,000 in United States currency, representing the proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of the money judgment in the amount of \$40,000 in United States currency representing the proceeds traceable to the commission of the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with his co-defendant John Campanella (the "Co-defendant"), to the extent a forfeiture money judgment is entered against the Co-defendant in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Celia V. Cohen, of counsel, and the Defendant and his counsel, Lawrence R. DiGiansante, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$40,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-defendant to the extent a forfeiture money judgment is entered against the Co-defendant in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant NICHOLAS CALISI, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. In satisfaction of the Money Judgment, the Defendant shall pay at least \$10,000 to the United States by the time of his sentencing, and the balance of the Money Judgment within or by the expiration of his term of supervised release.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

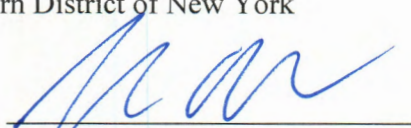
8. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:


CELIA V. COHEN
Assistant United States Attorney
50 Main Street, Ste. 1100
White Plains, NY 10007
(914) 993-1921

2/8/23
DATE

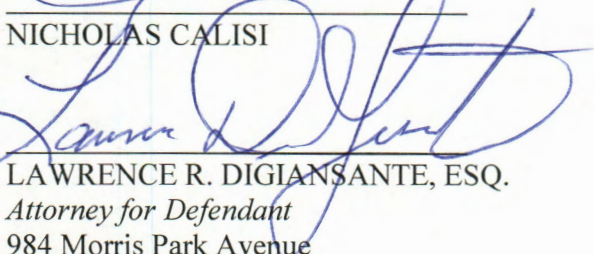
NICHOLAS CALISI

By:


NICHOLAS CALISI

2/8/2023
DATE

By:


LAWRENCE R. DIGIANSANTE, ESQ.
Attorney for Defendant
984 Morris Park Avenue
Bronx, NY 10462

2/8/23
DATE

SO ORDERED:


HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE

2/8/23
DATE